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CP-18  
30/12

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C. No. \_\_\_\_\_ of 2012 (Contempt)

(Arising out of order dated 12.03.2012

Passed in C.W.J.C. No. 4335 of 2012)

Birendra Narayan Jha ..... Petitioner.

Versus

The State of Bihar and others .....Contemnors/O.P.

Sub: **Contempt Matter.**

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C. No. \_\_\_\_\_ of 2012 (Contempt)

(Arising out of order dated 12.03.2012  
Passed in C.W.J.C. No. 4335 of 2012)

In the matter of an  
application Under Section  
11 and 12 of the Court of  
the Contempt Act read  
with Article 215 of the  
Constitution of India;

And

In the matter of

Birendra Narayan Jha, son of Late Ramakant Jha, resident of  
village-Babhni, P.S.-Gamharia, District-Madhepura.

..... Petitioner.

VERSUS

1. The State of Bihar through the Principal Secretary,  
Department of Human Resources Development,  
Government of Bihar, Patna, namely,

2. The Director, Primary Education, Department of Human Resources, Government of Bihar, Patna, namely Shri
3. The Director (Primary Education), Department of Human Resources, Government of Bihar, Patna, namely Shri
4. The Regional Deputy Director of Education, Koshi Division, Saharsa, namely
5. The District Magistrate, Madhepura, namely
6. The District Education Officer, (the then District Superintendent of Education), Madhepura, namely  
..... Contemnors/Opposite Parties.

To,

The **Hon'ble Ms. Justice Rekha M. Doshit**, the Hon'ble Chief Justice of the High Court of Judicature at Patna and Her Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner above-named;

**Most Respectfully Sheweth:-**

1. That this is an application for initiation of a proceeding of civil contempt against the

Contemnors/Opposite Parties for their wilful disobedience and deliberate disrespect to the order dated 12.03.2012 passed in C.W.J.C. No. 4335/2012 (Birendra Narayan Jha Vs The State of Bihar and others) by Hon'ble Mr. Justice Jayanandan Singh, J.

2. That the petitioner filed aforesaid writ petition before this Hon'ble Court for grant of higher pay scale with consequential benefits to the petitioner who retired from the post of Assistant Teacher, Primary School, Gandhi Nagar, Singheshwar, Madhepura on several grounds including that similarly situated persons have been granted such relief by the Department.
3. That after hearing the parties, this Hon'ble Court vide order dated 12.03.2012 disposed of the writ application with a direction to the concerned authorities to consider the representation of the petitioner and pass appropriate orders in accordance with law by a speaking order preferably within two months from the date of receipt/production of a copy of this order.

A Photo copy of order dated 12.03.2012 is annexed herewith and marked as Annexure-1 to this petition.

4. That the petitioner sent his representation dated 29.03.2012 alongwith the order of this Hon'ble Court but till date the order of this Hon'ble Court has not been complied with.

A Photo copy of the representation dated 29.03.2012 is annexed herewith and marked as Annexure-2 to this petition.

5. That the petitioner after sending his representation is continuously pursuing his grievance before the Contemnors/Opposite Parties but order of this Hon'ble Court has not been complied with as yet.
6. That it is humbly submitted that the Contemnors/Opposite Parties have shown their willful disobedience and deliberate disrespect to the order of

this Hon'ble Court for which they are liable to be punished for committing contempt of this Hon'ble Court.

7. That the petitioner has not moved before this Hon'ble Court in this matter on any earlier occasion.

It is, therefore, prayed that **Your Lordships** may graciously be pleased to admit this application, issue show cause notice against the Contemnors/ Opposite Parties and after hearing the parties be pleased to punish them suitably for their willful disobedience and deliberate disrespect to the order dated 12.03.12 passed by Hon'ble Mr. Justice Jayanandan Singh, J. in C.W.J.C. No.4335 of 12 (Birendra Narayan Jha Vs The State of Bihar and others).

And/or

Pass such other order or orders as Your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I, Birendra Narayan Jha, aged about 61 years, son of Late Ramakant Jha, resident of village-Babhni, P.S.-Gamharia, District-Madhepura; do hereby solemnly affirm and state as follows:

1. That I am Petitioner in the instant case and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this contempt application have been read over by me which I have fully understood and the statements made therein are true to my knowledge and belief.
3. That the Annexures are true/photo copies of their respective originals.

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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4335 of 2012

1. Birendra Narayan Jha S/O Late Ramakant Jha R/O Village- Babhni, P.S.-  
Gamharia, District - Madhepura

..... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of  
Human Resources Development, Government Of Bihar, Patna

2. The Director, Primary Education Department Of Human Resources,  
Government Of Bihar, Patna

3. The Director (Primary Education) Department Of Human Resources,  
Government Of Bihar, Patna

4. The Regional Deputy Director Of Education Koshi Division, Saharsa

5. The District Magistrate, Madhepura

6. The District Education Officer (The Then District Superintendent Of  
Education, Madhepura

..... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Thakur

For the Respondent/s : Mr. Rajendra Kr. Jha Gp18

CORAM: HONOURABLE MR. JUSTICE JAYANANDAN SINGH

ORAL ORDER

2 12-03-2012

Learned counsel for the petitioner submits that the  
representations of the petitioner, as contained in Annexure-5

BIHAR CIRCLE  
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BIHAR  
03911 14-226



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series, are pending with the respondents for consideration of his case for grant of B.A. Trained Scale and for promotion to the post of headmaster which may be directed to be disposed of.

In the circumstances, this writ application is disposed of with a direction to the concerned authorities to consider the representation of the petitioner and pass appropriate orders in accordance with law by a speaking order preferably within two months from the date of receipt/production of a copy of this order and communicate the same to the petitioner.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

Sd/- (Jayanandan Singh, J)

Arvind/-

COPY

CERTIFIED TO BE TRUE PHOTOCOPY

For Joint Registrar (J)  
Patna High Court  
Regd. No. 15-2012

21/5/2012  
24/2/2012

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Am 2  
**Ramesh Kumar Thakur**

Advocate  
Patna High Court.

Address:-

(O): 150, Lawyer's Chamber 3<sup>rd</sup> Floor  
Bihar State Bar Council Bhawan  
Near Patna High Court, Patna-1.  
Mobile No. 9470643085

Ref. No. \_\_\_\_\_

Dated: 29.3.12

To,

The District Education Officer,  
Madhepura.

Sub: Order dated 12.3.2012 passed in C.W.J.C. No. 4335/2012

(Birendra Narayan Jha Vs The State of Bihar and others)

Sir,

Please take the following facts into notice for passing an appropriate order in the aforesaid case:-

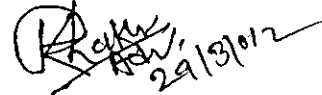
1. That the aforesaid C.W.J.C. No. 4335/2012 was filed on behalf of Birendra Narayan Jha Vs ~~The State of Bihar and others.~~
2. That the aforesaid case was filed for grant of higher pay scale with consequential benefits to the petitioner who retired as an Assistant Teacher from Primary School, Gandhi Nagar, Singheshwar, Madhepura.
3. That the case of the petitioner in short is that the petitioner having been appointed in accordance with law as an Assistant teacher in the district of Madhepura was paid his salary with effect from 1974 and lastly from Primary School, Gandhi Nagar, Singheshwar, Madhepura, he retired from the service on 31.12.2010 getting the pay scale of Matric Trained.

5. That it is stated hereby that the qualification of petitioner is Graduate as also he has successfully completed the Teachers Training Course.
6. That it is stated hereby that twenty three (23) teachers of the concerned district including the petitioner was sent for training vide Memo No. 1541-112 dated 27.8.1983 in pursuance of the direction of the Director, Research & Training, Government of Bihar. In this list the name of the petitioner appears at serial No.17.
7. That the result of the aforesaid training course was published on 27.7.1985.
8. That it is humbly stated that after publication of result on 27.7.1985 the petitioner become entitled to get promotion in the pay scale of Graduate Trained/Headmaster with effect from 28.7.1985.
9. That it is humbly stated that 22 teachers who were sent on training vide Annexure-3 along with the petitioner, have been granted aforesaid promotion. But the case of the petitioner for such promotion was never considered while from perusal of the service book of the petitioner it would be evident that the concerned authority has recommended for promotion of the petitioner in B.A. Trained pay scale with effect from 28.7.1985.

10. That most of the teachers of the district of Madhepura have been granted promotion in the pay scale of B.A. Trained after passing the training examination but the petitioner has been discriminated in this matter which is violative of Article 14 of the Constitution of India.
11. That it is humbly stated that the petitioner being entitled for promotion in B.A. Trained pay scale/Headmaster pay scale, has been deprived of the same and was compelled to retire in the Matric Pay scale itself, which is unjustified in the eye of law.
12. That it is humbly stated that even time bound promotion of the petitioner is also due.
13. That the petitioner stating all the facts sent several representations to the authorities concerned with a prayer to grant him B.A. Trained scale of pay/pay scale of Headmaster but the same could not be considered till date.
14. That when the matter was unheard, the petitioner moved before the Hon'ble Patna High Court vide C.W.J.C. No. 4335/2012 which was disposed of on 12.3.2012 with a direction to the authorities to consider the claim of the petitioner and to pass an appropriate order.
15. That from the materials available on record it is evident that the petitioner is entitled to get B.A. trained pay scale/pay scale of Headmaster with consequential benefits w.e.f. 28.7.1985 as similar teachers have been given such benefits.

It is, therefore, requested you to pass an order granting B.A. trained scale/pay scale of Headmaster to the petitioner with consequential benefits w.e.f. 28.7.1985 within the time period fixed by Hon'ble Patna High Court.

Yours'



(Ramesh Kumar Thakur)  
Advocate  
Patna High Court.

Encl:-

1. Photo copy of order dated 12.3.2012.
2. Photo copy of writ petition.

SP PATNA HIGH COURT <300028>  
EF260625495IN  
Counter No:2, CP-Code:WPC01  
To: D E D,  
MADHEPURA, PIN:852113  
From: RAMESH KR THAKUR, ADV P H C  
Wt:315grams,  
Amt:45.00, 29/03/2012, 14:00  
Taxes:Rs.5.00<<Track on www.indiapost.gov.in>>

